

## § 62.150

## 30 CFR Ch. I (7–1–00 Edition)

### § 62.150 Hearing conservation program.

A hearing conservation program established under this part must include:

- (a) A system of monitoring under § 62.110 of this part;
- (b) The provision and use of hearing protectors under § 62.160 of this part;
- (c) Audiometric testing under §§ 62.170 through 62.175 of this part;
- (d) Training under § 62.180 of this part; and
- (e) Recordkeeping under § 62.190 of this part.

### § 62.160 Hearing protectors.

(a) A mine operator must provide a hearing protector to a miner whose noise exposure equals or exceeds the action level under § 62.120 of this part. In addition, the mine operator must:

- (1) Train the miner in accordance with § 62.180 of this part;
  - (2) Allow the miner to choose a hearing protector from at least two muff types and two plug types, and in the event dual hearing protectors are required, to choose one of each type;
  - (3) Ensure that the hearing protector is in good condition and is fitted and maintained in accordance with the manufacturer's instructions;
  - (4) Provide the hearing protector and necessary replacements at no cost to the miner; and
  - (5) Allow the miner to choose a different hearing protector(s), if wearing the selected hearing protector(s) is subsequently precluded due to medical pathology of the ear.
- (b) The mine operator must ensure, after satisfying the requirements of paragraph (a) of this section, that a miner wears a hearing protector whenever the miner's noise exposure exceeds the permissible exposure level before the implementation of engineering and administrative controls, or if the miner's noise exposure continues to exceed the permissible exposure level despite the use of all feasible engineering and administrative controls.

(c) The mine operator must ensure, after satisfying the requirements of paragraph (a) of this section, that a miner wears a hearing protector when the miner's noise exposure is at or above the action level, if:

(1) The miner has incurred a standard threshold shift; or

(2) More than 6 months will pass before the miner can take a baseline audiogram.

### § 62.170 Audiometric testing.

The mine operator must provide audiometric tests to satisfy the requirements of this part at no cost to the miner. A physician or an audiologist, or a qualified technician under the direction or supervision of a physician or an audiologist must conduct the tests.

(a) *Baseline audiogram.* The mine operator must offer miners the opportunity for audiometric testing of the miner's hearing sensitivity for the purpose of establishing a valid baseline audiogram to compare with subsequent annual audiograms. The mine operator may use an existing audiogram of the miner's hearing sensitivity as the baseline audiogram if it meets the audiometric testing requirements of § 62.171 of this part.

(1) The mine operator must offer and provide within 6 months of enrolling the miner in a hearing conservation program, audiometric testing which results in a valid baseline audiogram, or offer and provide the testing within 12 months where the operator uses mobile test vans to do the testing.

(2) The mine operator must notify the miner to avoid high levels of noise for at least 14 hours immediately preceding the baseline audiogram. The mine operator must not expose the miner to workplace noise for the 14-hour quiet period before conducting the audiometric testing to determine a baseline audiogram. The operator may substitute the use of hearing protectors for this quiet period.

(3) The mine operator must not establish a new baseline audiogram or a new revised baseline audiogram, where one has been established, due to changes in enrollment status in the hearing conservation program. The mine operator may establish a new baseline or revised baseline audiogram for a miner who is away from the mine for more than 6 consecutive months.

(b) *Annual audiogram.* After the baseline audiogram is established, the mine